

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

HIGHER EDUCATION LOAN AUTHORITY  
OF THE STATE OF MISSOURI,

Plaintiff,

V.

UNITED STATES,

Defendant.

No. 18-1758C  
Judge Wheeler

## DEFENDANT'S STATUS REPORT

Defendant, the United States, respectfully submits this status report in response to the Court's request at the telephonic status conference of November 16, 2018, that the United States file a statement of position in response to plaintiff's motion for a temporary restraining order and preliminary injunction that would prohibit "the Defendant from proceeding with the receipt of proposals or making contract awards under the Phase II Procurement pending final disposition of Plaintiff's Complaint in this matter." *See* Pl. Brief in Support of Mot. for TRO and PI, at 44, Nov. 16, 2018, ECF No. 14. We understood the Court to request that we report whether the United States would agree to a two-week stay in light of the November 21, 2018 deadline for the receipt of proposals for Component D of the procurement.

After consultation with the client agency, the Department of Education, and without conceding any likelihood of success on the merits, we respond that the Government is prepared to stay the receipt of proposals or making of contract awards under the Phase II Procurement until December 5, 2018, which is two weeks after the November 21, 2018 date for receipt of proposals relating to Component D of the Phase II

solicitation. As we reported to the Court during the November 16, 2018 status conference, we have agreed to stay contract awards for Components D, E, and F of the Phase II solicitation until the conclusion of briefing and oral argument in this matter on January 30, 2019. *See* Scheduling Order, Nov. 16, 2018, ECF No. 17. We oppose a stay beyond December 5, 2018, however, for the other activities contemplated by plaintiff's motion, *e.g.*, contract awards under Components A and B and receipt of contract proposals for Components C, D, E, and F. We thus respectfully request that the Court set the date for our response to plaintiff's motion for a temporary restraining order and preliminary injunction on November 30, 2018, and schedule oral argument on the motion on December 3 or 4, 2018. We anticipate that this schedule will permit orderly consideration of plaintiff's motion.

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
Director

/s/ Lisa L. Donahue  
LISA L. DONAHUE  
Assistant Director

/s/ John J. Todor  
JOHN J. TODOR  
Senior Trial Counsel  
Commercial Litigation Branch  
U.S. Department of Justice  
Civil Division  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
Tel: (202) 616-2382  
Fax: (202) 307-0972  
Email: john.todor@usdoj.gov

November 19, 2018

*Attorneys for Defendant*